

THINK FAVORABLE RULING

WOULD SET FRANK FREE

State's Counsel Differ
From

Opponents as to
Effect De-

cision Would
Have

BY RALPH SMITH.

WASHINGTON, Feb. 23.—The contention of Leo M. Frank's Counsel, as set up in their Brief, that a favorable decision in the pending Case will not result in his going free, is not shared by Attorney General Grice and Solicitor General Dorsey, representing the State.

"In our brief, we do not touch upon this contention of the Appellant," said Attorney General Grice. "We do not believe that it is a material question for the Court to pass upon, and it is hardly probable that either Solicitor Dorsey or I will discuss it in our oral Arguments."

Attorney General Grice expressed the belief that should the Supreme Court send the Case back to the lower Federal Court for trial on its merits and should the lower Court grant the Habeas Corpus, Frank would be freed of the murder charge.

Solicitor General Dorsey has been quoted in this connection as saying that even though Frank should gain his freedom of the murder Charge the State might prosecute him for other alleged offenses against the law.

Judged by the attendance upon the meeting of the Court, the Case has attracted no unusual interest in Washington, although one of the local papers has been featuring the Stenographic Report of the trial with comment by Detective Burns, for several weeks.

The Supreme Court Chamber is small, seating scarcely 200 persons. The door tenders and ushers see that the room is never crowded. When the few seats are occupied, persons seeking admission, are held back. As a rule, a long line of curious persons form a line at the entrance and await admission. Today the line was not as long as usual.

HEARING MAY BE DELAYED.

The Appeal of Frank in the Habeas Corpus Proceedings instituted originally before Federal Judge Newman in Atlanta is set down for hearing by the United States Supreme Court this week.

The Case is No. 13 on the Calendar. It may be reached this afternoon, but more than likely the Arguments will not be heard before Wednesday or possibly Thursday.

The only echo of the celebrated Case heard in the Supreme Court Room thus far came almost immediately after the dignified justices took their seats this afternoon. Hugh M. Dorsey, Solicitor General, who won fame through his successful prosecution of Frank, was admitted to the Bar of the Court. He was presented by Attorney General Warren Grice, his Associate in opposing Frank's Appeal.

The Attorney General and the Solicitor General reached Washington yesterday and this morning Henry C. Peeples, Harry Alexander and Louis Marshall, the latter of New York, of Counsel for Frank, reached the City.

Messrs. Dorsey and Grice were astir early today. They appeared at the Office of the Supreme Court clerk immediately after it was opened for Business. After

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filing their brief, they took the Brief of the Appellant and spent a couple of hours studying this document, with a view to better fitting themselves for the Oral Argument they expect to present the Court.

Neither of the State's Counsel had seen Frank's Brief until this morning. It was filed with the Clerk last Saturday, but they were unable to see it because yesterday was a legal holiday.

While Messrs. Dorsey and Grice studied the Brief of Frank Counsel, Messrs. Peeples, Marshall and Alexander were engaged in reading the Brief, filed by the Solicitor General and the Attorney General.
